

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

RECONSIDERATION OF PRIOR
STATEMENT OF DECISION ON:

Statutes 1984, Chapter 1747; Statutes 1985,
Chapter 1274; California Code of Regulations,
Tit. 2, §§ 60000-60200 (Emergency Regulations
adopted July 12, 1986), CSM 4282

Directed By Statutes 2004, Chapter 493,
Section 7, (Sen. Bill No. 1895)

Effective September 13, 2004.

Case No.: 04-RL-4282-10

Handicapped & Disabled Students

NOTICE OF RECONSIDERATION,
BRIEFING AND HEARING SCHEDULE

HEARING DATE: May 26, 2005

TO: Senator John Burton
California State Association of Mental Health Directors
California State Association of Counties (SB 90 Service)
Department of Finance
State Controller's Office
Department of Mental Health
Department of Education
Legislative Analyst
Interested Parties

Statutes 2004, chapter 493, section 7 (Sen. Bill No. 1895, eff. Sept. 13, 2004), requires the Commission on State Mandates, on or before December 31, 2005, "notwithstanding any other law" to "reconsider its decision relating to included services and administrative and travel costs associated with services provided pursuant to Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code, and the parameters and guidelines for calculating the state reimbursements for these costs."

Administrative Record

The existing administrative record for this reconsideration consists of the original test claim proceedings in CSM 4282, including the decision issued by the Sixth District Court of Appeal in *County of Santa Clara v. State of California, et al.* (Case No. H009520), the parameters and guidelines, and the statewide cost estimate. By **November 30, 2004**, this record will be available on the Commission's website (www.csm.ca.gov).

Commission members shall receive copies of the administrative record of the original test claim proceedings (including parameters and guidelines and statewide cost estimate), and all documents on reconsideration, including the draft staff analysis, comments and briefs filed by

Notice of Reconsideration, Briefing and Hearing Calendar (Dated November 2, 2004)
Handicapped and Disabled Students, CSM 04-RL-4282-10.

interested parties, interested persons, and affected state agencies, final staff analysis and exhibits. Because of the statewide interest in this program, CSM staff proposes to post the administrative record, all filings, correspondence, staff analyses and hearing exhibits on the CSM website for public access. Whenever the website is updated, the mailing list will be notified.

Mailing List

Commission staff will create a consolidated e-mail list for this reconsideration. This notice is being e-mailed to the list provided by the California Mental Health Directors Association, and mailed to all parties, interested parties, and affected state agencies who are on the mailing lists for the new test claims filed by Counties of Stanislaus and Los Angeles on amendments to AB 3632 (*Handicapped and Disabled II*, CSM 02-TC-40, 02-TC-49) and the Proposed Amendments to the Parameters and Guidelines on *Handicapped and Disabled Students I* (00-PGA-03 & 04). On the Reconsideration, there is no lead claimant and the Legislature is the requestor. All parties receiving this notice by regular mail are requested to provide their e-mail addresses to csminfo@csm.ca.gov and to request addition to this mailing list.

Request for Initial Briefing – Briefs Due December 15, 2004

Commission staff requests the parties to file comments and briefs on the following two issues by **December 15, 2004**:

- What is the scope of the reconsideration directed by Senate Bill 1895? When responding to this issue, please consider the plain language of section 7 of Senate Bill 1895 and the analysis on the bill prepared by the Senate Rules Committee dated August 25, 2004, which states the following: “Directs the Commission on State Mandates (CSM), on or before December 31, 2005, to reconsider its decision relating to administrative and travel costs for AB 3632 (Brown), Chapter 1747, Statutes of 1984 and its parameters and guidelines for calculating state reimbursement costs.”
- What is the period of reimbursement for the Commission’s decision on reconsideration?

Any interested party, affected state agency, or interested person may comment, submit briefs, or correspond with the Commission on this request for initial briefing. An original and one copy or an original and a pdf file shall be submitted to the Commission. The comments will be posted on the Commission’s website. This will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2.

All filings must comply with the following requirements:

- Assertions or representations must be supported by documentary evidence and must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and must be based upon the declarant’s personal knowledge or information or belief.
- If the comments or briefs cite to federal or state laws, regulations, executive orders, or court decisions, copies of those documents must be included in the filing. Court decisions that involve the Board of Control or the Commission on State Mandates are exempt from this requirement.

Draft Staff Analysis and Comments on the Draft Staff Analysis

On **January 20, 2005**, the draft staff analysis and any supporting documentation will be posted to the Commission's website. All parties and interested parties will be notified of the website posting.

Interested parties, affected state agencies, and interested persons are invited to file comments with the Commission on the draft staff analysis by **February 20, 2005**. Rebuttal comments may be filed with the Commission no later than **April 1, 2005**.

An original and one copy or an original and a pdf file shall be submitted to the Commission. The comments will be posted on the Commission's website. This will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2.

Comments on the draft staff analysis and rebuttal comments must comply with the following requirements:

- Assertions or representations must be supported by documentary evidence and must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge or information or belief.
- If the comments cite to federal or state laws, regulations, executive orders, or court decisions, copies of those documents must be included in the filing. Court decisions that involve the Board of Control or the Commission on State Mandates are exempt from this requirement.

Commission Hearing – May 26, 2005

The Commission will hear and determine this reconsideration, and may adopt the proposed revised statement of decision on **May 26, 2005**. If a decision is not adopted in May, the revised decision will be set for adoption at the July 28, 2005 hearing.

With the exception of section 1188.4 of the Commission's regulations, the hearing procedures in article 7 of the Commission's regulations in effect at the time of the hearing will apply. Since this reconsideration was not requested pursuant to Government Code section 17559, the hearing procedures set forth in section 1188.4 do not apply in this case.

Representatives of interested parties and affected state agencies and the Legislature, will be asked to notify the Commission staff if they wish to testify. Time limits may be imposed if necessary.

A final staff analysis on the reconsideration will be issued and posted to the Commission's website on or about May 11, 2005.

Parameters and Guidelines

A pre-hearing conference on the parameters and guidelines will be convened after the adoption of the revised statement of decision.

If you have any questions regarding this matter, please contact Camille Shelton, Senior Commission Counsel, at (916) 323-8215.

Dated: 11/02/04

Original Signed By
PAULA HIGASHI, Executive Director